

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

CHAD MARTIN HELDT, INDIVIDUALLY AND  
ON BEHALF OF ALL SIMILARLY SITUATED  
INDIVIDUALS; CHRISTI W. JONES,  
INDIVIDUALLY AND ON BEHALF OF ALL  
SIMILARLY SITUATED INDIVIDUALS; SONJA  
CURTIS, INDIVIDUALLY AND ON BEHALF OF  
ALL SIMILARLY SITUATED INDIVIDUALS;  
AND CHERYL A. MARTIN, INDIVIDUALLY  
AND ON BEHALF OF ALL SIMILARLY  
SITUATED INDIVIDUALS;

Plaintiffs,

vs.

PAYDAY FINANCIAL, LLC, WESTERN SKY  
FINANCIAL, LLC, CASHCALL, INC., A  
CALIFORNIA CORPORATION; AND WS  
FUNDING, LLC, A WHOLLY OWNED  
SUBSIDIARY OF CASHCALL, INC.,

Defendants.

3:13-CV-03023-RAL

ORDER POSTPONING HEARING

On November 4, 2015, the parties filed a Joint Motion to Lift Stay and for Preliminary Approval of Class Settlement and Memorandum of Points and Authorities, with various attachments thereto. Doc. 64. The parties wanted this Court to set a hearing promptly on the Joint Motion and proposed an Order Lifting Stay and Preliminarily Approving Class Settlement, Class Notice and Related Matters. Doc. 64-5. This Court accommodated the parties' request for a prompt hearing date and set a hearing to take place in Sioux Falls, South Dakota, on this Friday, November 20.

This week this Court has been receiving letters from various people representing persons, organizations, and governmental entities interested in the parties' proposed class action settlement. The letters—albeit from non-parties to this litigation—express varying reservations about preliminary

approval of the proposed class action settlement, but are generally uniform in requesting a 60 to 90-day delay in this Court's hearing. So that there is a public record of these letters and the Defendants' response to the letters, this Court is directing the Clerk of Court to file them in the CM/ECF system.

Although objections certainly may be heard between preliminary approval and final approval of a class action settlement and although letters from purportedly interested non-parties rarely impel court action, this Court perceives little prejudice to any interested party in postponing the hearing on preliminary approval of a class action settlement—set at the urging of the parties a mere 16 days after the submission of a joint motion. Rather than having counsel incur the time and expense of coming to Sioux Falls on Friday to encounter a Court inclined to postpone the hearing by 30 to 60 days, it makes sense to this Court to postpone the hearing through this order and to have the parties seek to schedule a hearing in early or mid-January in Sioux Falls (or Pierre, whichever the parties prefer) for consideration of preliminary approval of a class action settlement. The non-party persons, entities, and governmental agencies then will have ample time and opportunity to evaluate this relatively straightforward request for preliminary approval of a proposed class action settlement agreement.

DATED this 18th day of November, 2015.

BY THE COURT:



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ROBERTO A. LANGE  
UNITED STATES DISTRICT JUDGE